



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

DEC 22 2016

CERTIFIED MAIL 7016 0600 0000 3846 7817  
RETURN RECEIPT REQUESTED

Mr. Lee Hefty  
Assistant Director  
Department of Regulatory and Economic Resources  
Division of Environmental Resources Management  
Miami-Dade County  
701 NW 1st Court, 4th floor  
Miami, Florida 33136-3912

Re: Consent Decree (Case: No.: 1:12-cv-24400-FAM)  
Reference DOJ Case No.: 90-5-1-1-4022  
Section VI – Fats, Oils and Grease Control Program, Paragraph 19(a)

Dear Mr. Hefty:

The United States Environmental Protection Agency Region 4 and the Florida Department of Environmental Protection (FDEP) are in receipt of Miami-Dade County's (Miami-Dade) June 5, 2015 submittal of the Fats, Oils and Grease (FOG) Control Program set forth in Paragraph 19.(a). of the above-referenced Consent Decree (CD). In addition, the EPA and FDEP appreciate Miami-Dade coming to Atlanta on December 8, 2016 to discuss the FOG Control Program as it has been implemented. The EPA has consulted with FDEP and we have the following comments and/or questions on the FOG Control Program:

Comments on FOG Control Program submitted 6/5/2015 and follow-up to 12/8/2016 meeting

1. Paragraph 19.(a).(vi). of the CD requires that the FOG Control Program provide compliance inspection protocols, including scheduling. Currently, Miami-Dade inspects all commercial and industrial sources of FOG every three to five years. In the FOG Control Program, Miami-Dade proposes to ramp up inspections for the first two years to address FOG "hot spots" within the WCTS and the Volume Sewer Customers' sanitary sewers. After that two year effort, Miami-Dade proposes to switch some staff to routine compliance visits, upgrade verification inspections and residential inspections (apartments and residential condominiums). The graph showing staff devoted to each type inspection (Graph 1, pg. 09-15) shows the total number of staff staying constant at 8 full-time equivalents (FTEs) and shows the trend described above, but contains an error because in 2018-2025, there will be 6 FTEs devoted to routine inspections and only 1 FTE devoted to 2018 upgrades and/or residential inspections. That only totals to 7 FTEs; especially concerning given the number of Food Service Establishments (FSE) that are in Miami-Dade's service area.
2. Paragraph 19.(a).(viii). of the CD requires that the FOG Control Program provide establishment of a FOG disposal manifest system, including the requirement that FOG and septage not be comingled.

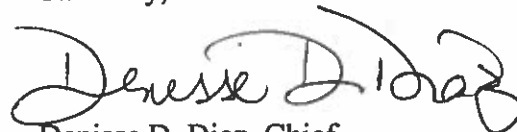
The FOG Control Program states that Miami-Dade will give waste haulers until January 2, 2017 to cease comingling FOG and septage. During the December 8, 2016 meeting, Miami-Dade proposed to issue a FOG hauler permit by 4/1/2017 and issue the FSE permits in January 2018. Miami-Dade shall explain why this grace period has been so long.

3. Paragraph 19.(a).(xv). Of the CD requires that the FOG Control Program provide a schedule to review, evaluate and revise the FOG Control Program on at least an annual basis. Miami-Dade proposes to provide an annual update to the EPA and FDEP by June 30<sup>th</sup> of each year, starting on June 30, 2018. The EPA reminds Miami-Dade that implementation of the FOG Control Program shall be also reported in the Semi-Annual and/or Annual Reports required by Paragraphs 33 and 34 of the CD.
4. In reviewing the proposed FOG Ordinance (Attachment 2 of the FOG Control Program), the following comment is made:
  - Section 24-42.6.(8)(c)(ii) (Maintenance for new FOG generators or operators) requires that "All FOG control devices and equipment shall be serviced to function properly and continuously to prevent the discharge of FOG into building sanitary drains, building sewers, utility or non-utility owned or operated sanitary sewer systems, and onsite sewage treatment and disposal systems." The underlined "and" should be an "or."
5. During the December 8, 2016 meeting, Miami-Dade mentioned that many of its environmental ordinances are open to variances or extensions if heard by the Environmental Quality Control Board. Miami-Dade should severely limit or restrict what deadlines in the FOG Ordinance are subject to variances or extensions of time and this should be outlined in the FOG Ordinance itself.
6. The EPA and FDEP has serious concerns about Miami-Dade's Department of Regulatory and Economic Resources conducting FOG inspections after construction, but not being a part of the construction inspection process when a facility is installing a grease interceptor.
7. Grease traps should be located outside the building. Also, specifically prohibit grease traps above the ground floor. Neither would be able to be cleaned effectively and the County should consider odor issues when cleaning.
8. Sec.24-42.6 (2): Specific limits in the pretreatment ordinance should be referenced in this grease trap ordinance, as the language is too vague. What quantity or concentration does the County believe will cause negative effects or hinder the operation of any onsite sewage treatment and disposal system, sewage collection, transmission or treatment system or cause a sanitary nuisance?
9. FDEP believes FOG generators should not be served by onsite disposal systems. We suggest that existing FOG generators should be only allowed on existing onsite disposal systems for a set amount of time after the effective date of the ordinance (e.g. 10 years after the effective date). This allows the owner time to connect to public sewer or relocate the business.
10. Sec.24-42.6 (2) (b) (iii): The submittal of the corrective action plan is 30 days. However, there is no deadline to obtain the approval or complete the corrective action(s) We suggest a time frame be given. After a defined period of time, the occupational license could be withdrawn.
11. Sec.24-42.6 (4) (a): The as-built plans should be signed and sealed by a professional engineer.

12. Sec.24-42.6 (4) (c): The operating permit application should be submitted with the as-built plans.
13. Sec.24-42.6 (8) (c) (iii) and (v): The monthly report as required in (v) should include attachments to the report of the following:
- a. Scheduled and unscheduled service calls to clean grease waste drains, building sanitary drains. or building sewers.
  - b. Repairs required resulting from food or FOG accumulation or blockages.
  - c. FOG control device cleaning, maintenance and repair.
  - d. Waste manifest forms pursuant to Sections 24-42.6(9) and 24-46
14. Sec.24-42.6 (8) (c) (vi): Miami Dade is requiring the property owner to perform the work. However, the property owner may not be party to the operating permit. Therefore, the property owner should be party of the operating permit. When the FOG generator is not the property owner, the operating permit should have two parties, the property owner and the FOG generator. The specific requirements of each party should be spelled out. Finally, the property owner should be responsible if the FOG generator does not perform.
15. Sec.24-42.6 (11) (c): What is the purpose and use for requiring cost of accelerated FOG maintenance? If you plan to require some kind of reimbursement to the utility, the ordinance should include that.

The EPA and FDEP will give final approval of the FOG Control Program and proposed Ordinance pending answers to the above comments and/or questions. If you should have any questions regarding this matter, please contact Mr. Brad Ammons of the EPA at (404) 562-9769 or via email at [ammons.brad@epa.gov](mailto:ammons.brad@epa.gov).

Sincerely,



Denisse D. Diaz, Chief  
NPDES Permitting and Enforcement Branch  
Water Protection Division  
U.S. Environmental Protection Agency, Region 4

cc: Mr. Jonathan A. Glogau  
Office of the Attorney General

Mr. Kirk White  
Florida Department of Environmental Protection

Ms. Lisa Self  
Florida Department of Environmental Protection

Mayor Carlos A. Gimenez  
Miami-Dade County

Mr. Lester Sola  
Miami-Dade Water and Sewer Department

Mr. Jack Osterholt  
Miami-Dade Regulatory and Economic Resources

Ms. Abigail Price-Williams  
Miami-Dade County Attorney

Mr. William A. Weinischke  
U.S. Department of Justice

Ms. Rachael Amy Kamons  
U.S. Department of Justice